

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ADOLFO MARTINEZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

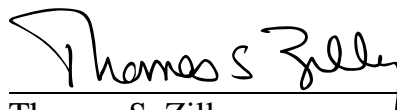
No. C00-1822Z

ORDER

The Court DENIES the petitioner's motion to reopen judgment, docket no. 12. The petitioner does not present any evidence or compelling arguments that the original judgment in his 28 U.S.C. § 2255 petition should be reopened under Fed. R. Civ. P. 60(b). Contrary to petitioner's arguments, the Supreme Court's decision in Booker v. United States, 125 S.Ct. 738 (2005), did not render unconstitutional each and every sentence imposed under the formerly mandatory Federal Sentencing Guidelines.

IT IS SO ORDERED.

DATED this 16th day of May, 2005.


Thomas S. Zilly
United States District Judge